

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

-----X	:	
In re:	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC., et al,	:	Case No. 08-35653 (KRH)
	:	Jointly Administered
	:	
Debtors.	:	
-----X	:	

**RESPONSE OF RICHARD T. MILLER, JR.
TO TRUSTEE'S NINETEENTH OMNIBUS
OBJECTION TO CERTAIN EMPLOYEE PRIORITY CLAIMS
(RELATING TO CLAIM 14619)**

Richard T. Miller, Jr. ("Mr. Miller"), by counsel, submits this Response to the Liquidating Trust's Nineteenth Omnibus Objection to Certain Employee Priority Claims (the "Objection") as it relates to Claim Number 14619 (the "Claim"), stating as follows:

1. Mr. Miller is the holder of Claim, which is for unpaid salary earned during the 180 days preceding the bankruptcy petition date of November 10, 2008.
2. The Claim is for \$12,473.08, with \$10,950 of such amount asserted as a priority claim under Bankruptcy Code § 507(a)(4). Schedule F of Circuit City Stores, Inc.'s bankruptcy schedules lists Mr. Miller as having a disputed claim for "unpaid prepetition wages" in the amount of \$12,473.08, though no indication is given as to the nature of the alleged dispute.

Neil E. McCullagh, Esquire (VSB #39027)
Jennifer J. West, Esquire (VSB # 47522)
Erin E. Kessel, Esquire (VSB # 65360)
Spotts Fain PC
411 East Franklin Street, Suite 600
Richmond, Virginia 23219
Phone: (804) 697-2000
Fax: (804) 697-2100
Counsel for Claimant

3. Mr. Miller was employed with Circuit City for approximately nineteen (19) years. By letter of resignation dated October 10, 2008, he resigned from Circuit City effective November 9, 2008.

4. Circuit City did not pay Mr. Miller for the entirety of his term as an employee of Circuit City. Mr. Miller is in possession of his pay stub for the period November 6, 2008, through November 19, 2008, which shows no salary paid for that period. Upon information and belief, Circuit City also did not pay Mr. Miller in full for the preceding two-week period and might have stopped payment on Mr. Miller's paycheck for that period.


5. In the Objection, the Liquidating Trust asserts that "the Debtors have paid all pre-petition wages that were owing," but the Liquidating Trust provides no support for its assertion beyond a reference to "the Debtors' books and records."

6. At a hearing on the merits of the Claim, Mr. Miller will offer into evidence in support of the Claim (a) the documents referenced herein, (b) copies of his paystubs (c) his own testimony, and (d) such other documents that he may obtain from the Liquidating Trust and others (which he may need to obtain through formal discovery) that support the amounts challenged in the Objection.

7. The Bankruptcy Court should overrule the Objection as it relates to the Claim because (a) the Objection does not meet the Trustee's burden in making an objection to the Claim, and (b) the Claim amount is due and owing.

WHEREFORE, Mr. Miller requests that the Court dismiss the Objection with prejudice and grant such other and further relief as the Court deems just and proper.

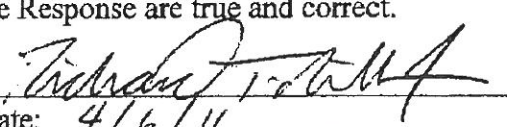
SPOTTS FAIN PC

By:  /s/ Neil E. McCullagh
Neil E. McCullagh, Esquire (VSB #39027)
Jennifer J. West, Esquire (VSB # 47522)
Erin E. Kessel, Esquire (VSB # 65360)
Spotts Fain PC
411 East Franklin Street, Suite 600
Richmond, Virginia 23219
Phone: (804) 697-2000
Fax: (804) 697-2100
Counsel for Claimant

Declaration

I, Richard T. Miller, declare under penalty of perjury as follows:

I have personal knowledge of the facts relating to the Claim. To the best of my knowledge, information, and belief, the facts set forth in the Response are true and correct.

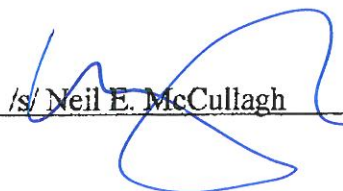

Date: 4/6/11

Certificate of Service

I hereby certify that on April 6, 2011, a copy of the foregoing Response was served by Federal Express, or by hand (as indicated below) on the following, who together constitute all necessary parties.

Jeffrey N. Pomerantz, Esq. (by Federal Express)
Andrew W. Caine, Esq.
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Boulevard
Los Angeles, California 90067-4100

Lynn L. Tavenner, Esq. (by Hand)
Paula S. Beran, Esq.
Tavenner & Beran, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219


/s/ Neil E. McCullagh